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PATENT
Attorney Docket No.: 02307E-092610US

By: Karen Lovino
Karen Lovino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZUKER

Application No.: 09/492,028

Filed: January 26, 2000

For: ASSAYS FOR SENSORY
MODULATORS USING A SENSORY
CELL SPECIFIC G-PROTEIN ALPHA
SUBUNIT

Examiner: B. O'Laughlin

Art Unit: 1647

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed November 7, 2000, Applicant elects to prosecute Group I, claims 1-8. For purposes of searching, Applicant also elects the species wherein the functional effect is a "chemical effect." Claims 1-4 and 6-8 read on the elected species. Applicant notes that upon allowance of claims reading on the elected species, Applicant will be entitled to consideration of claims directed to additional species. MPEP § 809.02(a); *see also* 37 C.F.R. § 1.141(a).

The foregoing election is made with traverse, as claims 1, 4, and 5 were placed both in Group I and in Group II. Furthermore, claims 23-24, although classified the same class as the claims of Group II, were placed in Group III. As such, on its face this rejection is improper and should be withdrawn. By placing claims 1, 4, and 5 in two separate groups, the Examiner has improperly attempted both to reject these claims for misjoinder, and to reject the claims on the basis that they allegedly represent independent and distinct inventions. Furthermore, examining the claims together would not place an undue examination burden on

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J.G.J.
1/2/01

